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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,738	09/23/2003	Lumumba Mbekeani	N0167US	1769
37583	7590	02/07/2005	EXAMINER	
NAVIGATION TECHNOLOGIES 222 MERCHANDISE MART SUITE 900, PATENT DEPT. CHICAGO, IL 60654			ZANELLI, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/668,738	MBEKEANI ET AL.	
	Examiner Michael J. Zanelli	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 20-23 is/are allowed.

6) Claim(s) 1,6,7,9 and 13-18 is/are rejected.

7) Claim(s) 2-5,8,10-12 and 19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3 shts.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. The application filed 9/23/03 has been examined. Claims 1-23 are pending.
2. The IDS filed 9/23/03, 8/20/04 and 10/8/04 have been considered.
3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The disclosure is objected to because of the following informalities: Applicant is requested to provide the serial numbers of the related applications cited on page 1.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 7, 9, 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Israni et al. (6,438,561).

A. As per claims 1 and 13, Israni discloses providing real-time traffic messages in which traffic conditions for road segments are obtained, including the location and extent of each traffic condition, and assigns a priority to the traffic condition (i.e., traffic problem with a severity level) (col. 4, lines 34-48; col. 5, lines 14-41).

B. As per claims 6, 7 and 9, as above wherein the traffic condition information may include an event description, duration and direction (col. 5, lines 22-25).

C. As per claim 16, as above wherein the traffic information would have inherently involved a commuting route since the disclosed method of Israni is presumably applicable to all uses of a vehicle traveling on a road network.

7. Claims 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmura et al. (6,208,932).

A. As per claim 13, Ohmura discloses a method of developing traffic messages which includes obtaining data indicative of a plurality of traffic conditions of a road network and prioritizing the traffic conditions based upon various conditions such as type of traffic condition (Abs; col. 10, lines 44-48; col. 11, lines 4-7, 66-67; col. 12, lines 2-3, 14-15).

B. As per claims 14 and 15, as above wherein weighting factors may be used to rank various traffic information (col. 12, lines 14-15) and that a preliminary priority order may be corrected/modified (col. 31, lines 58-62).

C. As per claim 16, as above wherein the traffic information may involve a commuting route (col. 29, lines 4-7).

D. As per claim 17, as above wherein the information is “transmitted” to the driver in the order of priority (col. 11, lines 4-7).

E. As per claim 18, as above wherein a subset of the traffic information may be selected from a plurality of traffic information (col. 30, lines 53-67).

8. Claims 13, 14 and 16 are further rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson et al. (6,317,058).

A. As per claim 13, Lemelson discloses a method of developing traffic messages in which various traffic conditions are obtained (col. 9, lines 30-35) and prioritizes the traffic information based on at least the type of traffic condition (col. 15, lines 57-62).

B. As per claim 14, as above wherein fuzzy rules are used to "weigh" each traffic condition (col. 15, lines 57-62; col. 16, lines 3-10).

C. As per claim 16, as above wherein the traffic information would have inherently involved a commuting route since the disclosed method of Lemelson is presumably applicable to all uses of a vehicle traveling on a road network.

9. Claims 20-23 are allowed.

10. Claims 2-5, 8, 10-12 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI
PRIMARY EXAMINER